

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA**

UNITED STATES OF AMERICA	)	
	)	
v.	)	CAUSE NO.: 2:01-CR-185-TS
	)	
SIMEON BRADLEY	)	

**OPINION and ORDER**

Before the Court is the Defendant's Motion to Withdraw Motion to Vacate Under 28 U.S.C. § 2255 and Motion to Modify Under 18 U.S.C. § 3582(c)(2) [DE 581], filed on December 31, 2008. The Defendant asks the Court to dismiss the Motions in light of the Court's ruling of December 30, 2008, (*see* DE 579), granting the Government's Motion to Reduce Sentence [DE 573] under Federal Rule of Criminal Procedure 35.

The Court in a December 28, 2008, Order [DE 572] already denied the Motion to Modify Sentence under 18 U.S.C. § 3582(c)(2) [DE 563], which was filed *pro se* on November 3, 2008, and thus that part of the Defendant's pending Motion is moot and will be DENIED as such.

The Court GRANTS IN PART the Defendant's Motion [DE 581] to withdraw the *pro se* Motion to Vacate under 28 U.S.C. § 2255 [DE 560], as the Defendant requests. The Clerk is ORDERED to term the Motion to Vacate [DE 560].

So ORDERED on January 8, 2009.

s/ Theresa L. Springmann  
THERESA L. SPRINGMANN  
UNITED STATES DISTRICT COURT  
FORT WAYNE DIVISION